

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 20, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HJR 2009	H-8280	Filed	WOLFE of Clinton
HJR 2009	H-8281		WOLFE of Clinton
HJR 2009	H-8282		WOLFE of Clinton
HF 2407	H-8286		RECEIVED FROM THE SENATE
SF 2349	H-8285		OLDSON of Polk
SF 2349	H-8288		LANDON of Polk
SF 2364	H-8283		BRECKENRIDGE of Jasper
SF 2364	H-8284		WINCKLER of Scott, et al
SF 2364	H-8287		STAED of Linn

Fiscal Notes

[SF 359](#) — [Fetal Body Parts](#) (LSB1547SV.1)

[HJR 12](#) — [Constitution Convention of the States](#) (LSB2105HV)

HOUSE JOINT RESOLUTION 2009

H-8280

1 Amend the amendment, H-8278, to House Joint Resolution 2009
2 as follows:

3 1. Page 1, by striking lines 1 through 18 and inserting:

4 <Amend House Joint Resolution 2009 as follows:

5 1. By striking everything after the resolving clause and
6 inserting:

7 <Section 1. The following amendment to the Constitution of
8 the State of Iowa is proposed:

9 Article I of the Constitution of the State of Iowa is amended
10 by adding the following new section:

11 **Right to keep and bear arms.** SEC. 1A. A well regulated
12 Militia, being necessary to the security of a free State,
13 the right of the people to keep and bear Arms, shall not be
14 infringed.

15 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
16 amendment to the Constitution of the State of Iowa is referred
17 to the general assembly to be chosen at the next general
18 election for members of the general assembly and the secretary
19 of state is directed to cause the proposed amendment to be
20 published for three consecutive months previous to the date of
21 that election as provided by law.>>

By WOLFE of Clinton

H-8280 FILED MARCH 19, 2018

HOUSE JOINT RESOLUTION 2009

H-8281

1 Amend the amendment, H-8274, to House Joint Resolution 2009
2 as follows:

3 1. Page 1, by striking lines 1 through 17 and inserting:

4 <Amend House Joint Resolution 2009 as follows:

5 1. By striking everything after the resolving clause and
6 inserting:

7 <Section 1. The following amendment to the Constitution of
8 the State of Iowa is proposed:

9 Article I of the Constitution of the State of Iowa is amended
10 by adding the following new section:

11 **Right to keep and bear arms.** SEC. 1A. A well regulated
12 Militia, being necessary to the security of a free State,
13 the right of the people to keep and bear Arms, shall not be
14 infringed.

15 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
16 amendment to the Constitution of the State of Iowa is referred
17 to the general assembly to be chosen at the next general
18 election for members of the general assembly and the secretary
19 of state is directed to cause the proposed amendment to be
20 published for three consecutive months previous to the date of
21 that election as provided by law.>>

By WOLFE of Clinton

H-8281 FILED MARCH 19, 2018

HOUSE JOINT RESOLUTION 2009

H-8282

1 Amend the amendment, H-8270, to House Joint Resolution 2009
2 as follows:

3 1. Page 1, by striking lines 1 through 20 and inserting:

4 <Amend House Joint Resolution 2009 as follows:

5 1. By striking everything after the resolving clause and
6 inserting:

7 <Section 1. The following amendment to the Constitution of
8 the State of Iowa is proposed:

9 Article I of the Constitution of the State of Iowa is amended
10 by adding the following new section:

11 **Right to keep and bear arms.** SEC. 1A. A well regulated
12 Militia, being necessary to the security of a free State,
13 the right of the people to keep and bear Arms, shall not be
14 infringed.

15 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
16 amendment to the Constitution of the State of Iowa is referred
17 to the general assembly to be chosen at the next general
18 election for members of the general assembly and the secretary
19 of state is directed to cause the proposed amendment to be
20 published for three consecutive months previous to the date of
21 that election as provided by law.>>

By WOLFE of Clinton

H-8282 FILED MARCH 19, 2018

SENATE AMENDMENT TO
HOUSE FILE 2407

H-8286

- 1 Amend House File 2407, as passed by the House, as follows:
2 1. Page 1, line 3, after <not> by inserting <intentionally>
3 2. Page 1, line 4, by striking <or other chemical> and
4 inserting <off label>

H-8286 FILED MARCH 19, 2018

SENATE FILE 2349

H-8285

- 1 Amend Senate File 2349, as passed by the Senate, as follows:
- 2 1. Page 3, line 3, before <The> by inserting <1.>
- 3 2. Page 3, after line 6 by inserting:
- 4 <2. An association health plan created pursuant to this
- 5 chapter shall not deny, exclude, or limit benefits for a member
- 6 based on a member's preexisting condition.>

By OLDSOON of Polk

H-8285 FILED MARCH 19, 2018

SENATE FILE 2349

H-8288

1 Amend Senate File 2349, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 507A.4, subsection 9, Code 2018, is
5 amended to read as follows:

6 9. a. Transactions involving a multiple employer welfare
7 arrangement, as defined in section 3 of the federal Employee
8 Retirement Income Security Act of 1974, 29 U.S.C. §1002,
9 paragraph 40, if the multiple employer welfare arrangement
10 meets all of the following conditions:

11 (1) The arrangement is administered by an authorized
12 insurer or an authorized third-party administrator.

13 ~~(2) The arrangement has been in existence and provided~~
14 ~~health insurance in Iowa for at least five years prior to July~~
15 ~~1, 1997.~~

16 ~~{3}~~ (2) The arrangement ~~was~~ is established by a trade,
17 industry, or professional association of employers that
18 has a constitution or bylaws, and ~~has been~~ is organized and
19 maintained in good faith ~~for at least ten continuous years~~
20 ~~prior to July 1, 1997~~ with membership stability as defined by
21 rules adopted by the commissioner.

22 ~~{4}~~ (3) The arrangement registers with and obtains
23 and maintains a certificate of registration issued by the
24 ~~commissioner of insurance.~~

25 ~~{5}~~ (4) The arrangement is subject to the jurisdiction
26 of the commissioner ~~of insurance, including regulatory~~
27 ~~oversight~~ and complies with all rules and solvency standards as
28 ~~established by rules adopted by the commissioner of insurance~~
29 ~~pursuant to chapter 17A.~~

30 b. A multiple employer welfare arrangement ~~registered with~~
31 ~~the commissioner of insurance~~ that does not meet the solvency
32 ~~standards~~ requirements established by ~~rule adopted by the~~
33 ~~commissioner of insurance~~ is pursuant to chapter 17A shall be
34 subject to chapter 507C.

35 c. A multiple employer welfare arrangement that meets all

1 of the conditions of paragraph "a" shall not be considered any
2 of the following:

3 (1) An insurance company or association of any kind or
4 character under section 432.1.

5 (2) A member of the Iowa individual health benefit
6 reinsurance association under section 513C.10.

7 (3) A member insurer of the Iowa life and health insurance
8 guaranty association under section 508C.5, subsection 12.

9 d. A multiple employer welfare arrangement registered with
10 the commissioner ~~of insurance~~ shall file with the commissioner
11 ~~of insurance~~ on or before March 1 of each year a copy of the
12 report required to be filed by the multiple employer welfare
13 arrangement with the United States department of labor pursuant
14 to 29 C.F.R. §2520.101-2. A newly formed multiple employer
15 welfare arrangement shall file with the commissioner a copy
16 of the report required to be filed pursuant to 29 C.F.R.
17 §2520.101-2 by a newly formed multiple employer welfare
18 arrangement with the United States department of labor thirty
19 days prior to operating in any state. The copy shall be filed
20 with the commissioner within thirty calendar days of the date
21 that the multiple employer welfare arrangement files the report
22 with the United States department of labor.

23 e. ~~When not otherwise provided, a~~ A foreign or domestic
24 multiple employer welfare arrangement doing business in this
25 state shall pay ~~to the commissioner of insurance the fees~~
26 ~~as required in pursuant to~~ section 511.24 unless otherwise
27 provided by law.

28 Sec. 2. Section 509.1, Code 2018, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 8A. A policy of group health insurance
31 coverage issued to an associated health plan pursuant
32 to section 513D.1 that is subject to regulation by the
33 commissioner.

34 Sec. 3. Section 509.1, subsection 9, unnumbered paragraph
35 1, Code 2018, is amended to read as follows:

1 A policy issued to a resident of this state under a group
2 life, accident, or health insurance policy issued to a group
3 other than one described in subsections 1 through & 8A, subject
4 to the following requirements:

5 Sec. 4. NEW SECTION. 513D.1 **Association health plans.**

6 The commissioner shall adopt rules that allow for the
7 creation of association health plans that are consistent with
8 the United States department of labor's regulations in 29
9 C.F.R. pt. 2510.

10 Sec. 5. NEW SECTION. 513D.2 **Rules and enforcement.**

11 1. The commissioner shall adopt rules, as necessary,
12 pursuant to chapter 17A to administer this chapter.

13 2. The commissioner may take any enforcement action under
14 the commissioner's authority to enforce compliance with this
15 chapter.>

By LONDON of Polk

SENATE FILE 2364

H-8283

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, line 29, by striking <all school personnel
4 conduct>

5 2. Page 1, line 32, by striking <educated> and inserting
6 <educated be conducted that includes but is not limited to
7 administrators, teachers, secretaries, receptionists, school
8 support staff, and custodians. The drill may include but is
9 not limited to a table top exercise, walk-through, partial
10 drill, or full drill.>

11 3. Page 1, line 33, after <students.> by inserting <Prior
12 to the drill, local law enforcement and emergency management
13 agencies that will participate in the drill shall provide
14 the participating board and authorities with a written plan
15 listing equipment and personnel to be used during the drill.
16 The plan shall be presented to the participating board and
17 authorities for approval prior to the drill. A drill shall not
18 be conducted unless the plan is approved by the participating
19 board and authorities.>

By BRECKENRIDGE of Jasper

H-8283 FILED MARCH 19, 2018

SENATE FILE 2364

H-8284

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 257.2, subsection 2, Code 2018, is
5 amended by striking the subsection.

6 Sec. _____. NEW SECTION. 257.14A District cost per pupil
7 equity — budget adjustment.

8 1. The board of directors of a school district with a
9 regular program district cost per pupil that is less than the
10 highest regular program district cost per pupil among all
11 school districts in the state for the same budget year that
12 wishes to receive the budget adjustment under this section
13 may adopt a resolution by May 15 preceding the budget year
14 stating that the board will use funds from its cash reserve for
15 personnel costs and services that directly affect the safety
16 of students, and shall within ten days of adoption of the
17 resolution notify the department of management of the amount of
18 the budget adjustment to be received.

19 2. a. For budget years beginning on or after July 1,
20 2018, each school district that satisfies the requirements of
21 subsection 1 shall be eligible for a budget adjustment for that
22 budget year in an amount not to exceed the difference between
23 the school district's regular program district cost per pupil
24 and the highest regular program district cost per pupil among
25 all school districts in the state multiplied by the district's
26 budget enrollment. The resolution adopted under subsection 1
27 may specify a budget adjustment amount that is less than the
28 maximum amount authorized under this paragraph "a".

29 b. The school district shall fund the budget adjustment
30 either by using moneys from its unexpended fund balance or by
31 using cash reserve moneys.

32 3. A budget adjustment received under this section shall
33 not affect the eligibility for or amount of any other budget
34 adjustment authorized by law for the same budget year. In
35 addition, a budget adjustment under this section shall be

1 limited to the budget year for which the adjustment was
2 authorized and shall not be included in any computation of a
3 school district's cost for any future budget year.

4 Sec. _____. Section 257.34, Code 2018, is amended to read as
5 follows:

6 **257.34 Cash reserve information.**

7 1. If a school district receives less state school
8 foundation aid under section 257.1 than is due under that
9 section for a base year and the school district uses funds
10 from its cash reserve during the base year to make up for
11 the amount of state aid not paid, the board of directors of
12 the school district shall include in its general fund budget
13 document information about the amount of the cash reserve used
14 to replace state school foundation aid not paid.

15 2. If a school district uses funds from its cash reserve
16 during the base year to fund a budget adjustment under section
17 257.14A, the board of directors of the school district shall
18 include in its general fund budget document information about
19 the amount of the cash reserve used for such purpose.>

20 2. Page 1, after line 35 by inserting:

21 <Sec. _____. IMPLEMENTATION. Notwithstanding the deadline
22 for adopting a resolution to approve the budget adjustment
23 in section 257.14A, subsection 1, for the school budget
24 year beginning July 1, 2018, the resolution of the board of
25 directors of a school district shall be approved not later than
26 June 10, 2018.

27 Sec. _____. EFFECTIVE UPON ENACTMENT. This Act, being deemed
28 of immediate importance, take effect upon enactment.>

29 3. Title page, line 3, after <buildings> by inserting <and
30 providing for budget adjustments relating to student safety>

31 4. By renumbering, redesignating, and correcting internal
32 references as necessary.

By WINCKLER of Scott
KURTH of Scott

H-8284 (Continued)

THEDE of Scott

H-8284 FILED MARCH 19, 2018

SENATE FILE 2364

H-8287

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, line 9, after <disasters> by inserting <and shall
4 also include measures for securing a classroom from the inside
5 with the ability of a teacher to lock and secure all classroom
6 entrances including windows and doors>

By STAED of Linn

H-8287 FILED MARCH 19, 2018

Fiscal Note

Fiscal Services Division



SF 359 – Fetal Body Parts (LSB1547SV.1)

Analyst: Kent Ohms (515.971.7053) kenneth.ohms@legis.iowa.gov

Fiscal Note Version – As Amended by Committee Amendment **H-8269**

Description

Senate File 359 as amended by the House Human Resources Committee Amendment prohibits the following:

- Knowingly acquiring, providing, receiving, otherwise transferring, or using a fetal body part in Iowa, with listed exemptions. Violators are guilty of a Class C felony.
- An abortion following the detection of a fetal heartbeat.

Assumptions

- The University of Iowa Obstetrics and Gynecology Department is accredited by the Accreditation Council for Graduate Medical Education (ACGME).
- The ACGME requires that programs provide training or access to training in the provision of abortion services, and that this training be part of the planned curriculum.
- The history of ACGME enforcement of this requirement in light of the Coats Amendment is ambiguous.
- Crimes committed by licensed medical professionals are rare, and it is expected most licensed medical professionals will comply with law.

Fiscal Impact

A complete fiscal impact cannot be determined. Faced with restrictions provided in **SF 359** as amended by the House Human Resources Committee Amendment, the University of Iowa Obstetrics and Gynecology Department may have to make arrangements for the resident training to occur at another institution, may possibly lose accreditation, or may face other sanctions.

Correctional Impact

The Bill as amended is estimated to result in minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [*Cost Estimates Used for Correctional Impact Statements*](#), dated January 8, 2018, for information related to the correctional system.

Sources

Board of Regents
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Journal of the American Medical Association
American College of Obstetricians and Gynecologists

/s/ Holly M. Lyons

March 19, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HJR 12 – Congressional Balanced Budget Constitutional Amendment (LSB2105HV)
Analyst: David Reynolds (515.281.6934) dave.reynolds@legis.iowa.gov
Fiscal Note Version – New

Description

[House Joint Resolution 12](#) petitions the United States Congress to propose an amendment to the [United States Constitution](#) for ratification by the states, for the purpose of imposing fiscal restraint on the federal government and limiting the federal government's power and jurisdiction. The Resolution also provides that the Iowa General Assembly join other states in applying to Congress to call a convention of the states for the same purpose.

Background

The United States Constitution provides that an amendment may be proposed either by the Congress with a two-thirds majority vote in both the House of Representatives and the Senate, or by a constitutional convention called for by two-thirds (34) of the state legislatures. None of the 27 amendments to the Constitution have been proposed by constitutional convention.¹ A convention of the states under Article V of the Constitution has never been used for proposing constitutional amendments, and there are no stated guidelines or procedures for how a convention would function.

Fiscal Impact

The fiscal impact of [HJR 12](#) cannot be determined as it is unclear how a constitutional convention would be administered, assuming the required number of states successfully petitioned Congress to initiate a convention. In addition, it is uncertain how many Iowa delegates would be appointed to attend, how much the delegates would be compensated, or how long a convention would last.

Sources

Legislative Services Agency
National Archives

/s/ Holly M. Lyons

March 19, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

¹ Constitutional Amendment Process, National Archives: www.archives.gov/federal-register/constitution